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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,127	08/22/2001	Daniel Wyatt	4216P2365	7736

23504 7590 12/29/2003

WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE, AZ 85251

EXAMINER

ARK, DARREN W

ART UNIT	PAPER NUMBER
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3643

13

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	09/934,127	WYATT, DANIEL	
	Examiner	Art Unit	
	Darren W. Ark	3643	

All Participants:
Status of Application: _____

 (1) Darren W. Ark.

(3) _____.

 (2) Craig Weiss.

(4) _____.

Date of Interview: 17 December 2003
Time: 1:00pm EST
Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

 Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

35 USC 102(b) rejections and 35 USC 103(a) rejections of the Final Rejection mailed 10/20/03.

Claims discussed:

18-34

Prior art documents discussed:

Prior art of record and U.S. Pat. No. 5,529,228 to Biagi
Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet
Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

DARREN W. ARK
PRIMARY EXAMINER


 (Examiner/SPE Signature)

 (Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant stated that the Caplan '571 patent does not disclose a sleeve which exhibits compression of the bait in the sleeve or the sleeve being rigid to retain the bait by frictional engagement, or the securing of the bait in the sleeve without securing means since securing means (22) are shown in Fig. 1 of Caplan; Franklin et al. '263 does not disclose a sleeve of mesh for holding bait within it since it is merely a fishing lure representing an eel; Pflueger '804 does not disclose a sleeve for holding bait since it is a fishing lure not intended to hold bait therein and further it is not made of mesh material; Hicks '255 does not disclose a sleeve made of mesh material nor does it disclose the sleeve having no additional securing means for securing the bait therein since scale elements (28) are intended to hold the bait in the sleeve; Hudson '280 does not disclose a sleeve which is rigid enough to hold bait therein by frictional engagement and furthermore it does not teach using no additional means for securing the bait therein since a ridge (42) engages a channel (46) similar to a zip-lock arrangement; Pieper '504 does not disclose a sleeve which is rigid enough to frictionally hold bait therein since it is merely a sleeve adapted to hold liquid attractant therein, Zander '929 does not disclose a sleeve which is adapted to hold bait since it is closed at both ends and used in that configuration as a fishing lure. Applicant argued that Anselmi '831 discloses a different concept in that two hands must be used to compress the device so that bait can be accepted in the sleeve. Examiner argued that one hand operation could be achieved if the sleeve was set upon a table and compressive force applied to the free end of the sleeve. Examiner suggested that the second end be claimed as being closed to overcome the Anselmi patent. Applicant suggested amending the claim 18 such that it is recited that the "sleeve is an expandable compression sleeve comprising plastic-type material with a mesh configuration with a first open end and a second closed end with the sleeve being sufficiently rigid in order to retain at least a portion of the bait by frictional engagement with the interior surface without additional securing means, the sleeve being dimensioned to compress the at least a portion of the bait when a force being applied to one of the first and second ends in a direction away from the sleeve". Examiner stated that although such limitation may overcome the prior art of record applied, it would possibly read on other references such as Rose 2,870,563 which shows a closed second end at (14) and whose sleeve operates on a similar principle wherein a force at either end of the sleeve away from the sleeve can result in the sleeve placing a compressive force on the bait therein. Applicant argued that the sleeve of Rose does not disclose a second end which defines an aperture dimensioned to allow a fishing line to pass therethrough. Examiner argued that the sleeve has an aperture (space available in eye 15 as shown in Figs. 4, 7) which is adapted to receive a line therethrough which is capable of receiving a line since there is a space defined in the eye (15) for receiving objects therethrough. Furthermore, although Rose discloses forming the sleeve out of wire mesh comprising Phosphor bronze wires, it would have been obvious to a person of ordinary skill in the art to make the wires out of plastic. Examiner also directed applicant's attentions to U.S. Pat. No. 5,529,228 to Biagi which shows an expandable sleeve which places a compressive force on the contents therein as shown in Figs. 1 and 2 and also has an open first end (to receive the bottle) and a second closed end. Examiner stated that since the case is at After Final it would be difficult to amend claim 18 without requiring further search and/or consideration such that it is generic to all of the species in this case since any amendment to overcome the prior art of record would create new issues to be considered.